



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/023,416	02/13/98	OHMI	T 980150

ARMSTRONG WESTERMAN HATTORI
MCLELAND & NAUGHTON
SUITE 1000
1725 K STREET N W
WASHINGTON DC 20006

QM02/1023

EXAMINER

BASTIANELLI, J

ART UNIT	PAPER NUMBER
3754	

DATE MAILED:
10/23/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/023,416

Applicant(s)
Ohmi et al.

Examiner
John Bastianelli

Group Art Unit
3754



☒ Responsive to communication(s) filed on Oct 2, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-6 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-6 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3754

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art supplied by the applicant in view of DuRoss et al. and further in view of Brzezicki et al. The applicant's prior art (Figs. 8 and 9) discloses a similar fluid control apparatus which comprises a plurality of lines in a row each having a fluid controller, an inlet on-off device, and an outlet on-off device (Fig. 9) which use adjacent 2-port valves connected to each other with tubing to control the fluid flow with an inlet port (Main Gas) and an outlet port (P/C) with inlet-outlet subopenings having a port separate from the inlet port and said outlet port (Purge Gas, Vent, Vac). The applicant's prior art lacks using 3-port valves and valve mounts with internal passages which does not use tubing. The prior art illustrated in Figs. 1 and 2 of DuRoss teaches the

Art Unit: 3754

equivalence of using a 3-port valve in place of a 2-port valve (col. 2, lines 12-23) to eliminate dead-legs (col. 1, lines 39-42) of chemical delivery in manifolds. In Fig. 2, a 3-port valve 20' is used in place of 2-port valve 20 in Fig. 1 to eliminate dead-legs. DuRoss also discloses an inlet port always in communication with an outlet port with an inlet-outlet subopening (Fig 8B). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to use a 3-port valve in place of any 2-port valve in any fluid circuit, as desired, in order to eliminate dead-legs as taught by DuRoss. Brzezicki discloses fluid controllers C mounted on blocks B with internal passageways (Fig 8) which do not use tubing. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to use the valve blocks with internal passageways of Brzezicki in place of the tubing of the prior art tubing in order to reduce the size of the apparatus as taught by Brzezicki (col 1, lines 24-41).

Response to Arguments

4. Applicant's arguments filed April 27, 2000 have been fully considered but they are not persuasive. Regarding applicant's argument that the patents disclosed fail to teach the applicant's invention due to DuRoss not disclosing combining the 3-way valve with other valves, the examiner is only using the teaching of DuRoss to make two 2-way valves into one 3-way valve. Regarding applicant's argument that the patents disclosed fail to teach the applicant's invention due to the multitude of valves, this is clearly shown by Brzezicki as is well known in the art to use blocks instead of tubing.

Art Unit: 3754

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Bastianelli whose telephone number is (703) 305-0058.

JB

JB

October 20, 2000


Joseph A. Kaufman
Primary Examiner
10/20/00